

REMARKS

Claims 2-19 are pending in this application after this amendment. Claim 2 is independent. New claim 19 is presented for consideration by the Examiner. No new matter has been added by the addition of new claim 19. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 2, 4-5, 7 and 11-13 under 35 U.S.C. §103(a) as being unpatentable over Lin (USP 6,108,437) in view of Dobashi (U.S. Patent Application Publication No. 2002/0126880); rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and further in view of Lobo (USP 5,781,650); rejected claims 6 and 9-10 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and Lobo and further in view of Okazaki et al. (U.S. Patent Application Publication No. 2002/0176610); rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and Lobo et al. and further in view of Prokoski et al. (USP 5,163,094); and rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and further in view of Colmenarez et al. (U.S. Patent Application Publication No. 2002/0167403). Applicant respectfully traverses these rejections.

Claim Rejections – 35 U.S.C. §103

As noted in Applicant's previously filed Reply, the invention of claim 2 recites an apparatus including a comparing unit to compare a user's face-picture taken by the image pickup unit with a face-picture of a particular person, who is categorized as suspected and held in advance. The apparatus further includes an authentication unit for deciding whether a user's face picture is identical with the face-picture of the user by a method stricter than the method used

before. In other words, the apparatus (i) compares user's face-picture (A) with the face-picture of "a particular person, who is categorized as suspected" (B); and (ii) compares the user's face-picture (A) with the registered face-picture of the user (C).

The judgment criteria of the claimed invention (ii), as noted above, is modified by the results of (i) so that the accuracy or efficiency of (ii) can be improved. This patentable feature allows the personal authentication apparatus to be used accurately and efficiently in situations where it is highly probably that such suspected person would be cleverly disguised as another person.

In contrast, elements 905-919 and element 401, relied upon by the Examiner and depicted in Fig. 9 of Lin, are used for the user's face-picture (A) with the registered face picture of the user (C).

Regarding Dobashi, recognition section 107 is used for recognizing the user's face-picture (A) taken by image input section 105 with the registered face-picture of the user (C) held in registration information holding section 109. In the same manner, Lobo, Okazaki, Prokoski, and Colmenarez all merely disclose comparing the user's face-picture (A) with the registered face-picture of the user (C). None of the cited references teach or suggest comparing user's face-picture (A) with the face-picture of a particular person, who is categorized as suspected (B), as required by the claim.

The Examiner, in the Advisory Action mailed January 18, 2008, asserts a definition of the term "suspect." The Examiner further asserts "Under this interpretation, it is fair to say that Lin discloses a face registration method that suspects the user is registered (i.e. a particular person who is characterized as suspected), based on the proof that the image analysis algorithm is calculating on the basis of that suspected belief." However, the Examiner appears to be disregarding the claim elements.

Claim 2 clearly recites "a particular person comparing unit **comparing said user's face-picture taken by said image pickup unit with a face-picture of a particular person, who is**

categorized as of a special concern.” Further claim 2 clearly recites “an authentication unit, **when said degree of similarity is higher than said predetermined value, deciding whether or not said user’s face-picture is identical with the face-picture of the user by a method stricter than the method used theretofore.”** Regardless of the definition of the term, there is no teaching directed to a particular person comparing unit **comparing said user’s face-picture taken by said image pickup unit with a face-picture of a particular person, who is categorized as of a special concern,** held therein in advance, outputting as comparison result a degree of similarity therebetween, and deciding whether said degree of similarity is higher than a predetermined value and an authentication unit, **when said degree of similarity is higher than said predetermined value, deciding whether or not said user’s face-picture is identical with the face-picture of the user by a method stricter than the method used theretofore.**

For at least these reasons, Applicant respectfully submits that claim 2 is patentable over the references as cited.

It is respectfully submitted that claims 3-18 are allowable for the reasons set forth above based upon their dependency on claim 2.

By this amendment, Applicant has added new claim 19 for consideration by the Examiner. Claim 19 recites a particular person comparing unit comparing said user’s face-picture taken by said image pickup unit with a stored face-picture of a person of interest, wherein the stored face-picture of the user is different from the stored face-picture of the person of interest, outputting as comparison result a degree of similarity therebetween, and deciding whether said degree of similarity is higher than a predetermined value. For similar reasons noted above, there is no teaching or suggestion in any of the cited references that teach or suggest comparing the user’s face picture with the face picture of a person of interest. For at least this reason, Applicant respectfully submits that claim 19 is patentable over the references as cited.

Further, claim 19 recites an authentication unit, when said degree of similarity is higher than said predetermined value, determining whether or not said user’s face-picture taken by the image pick-up unit is identical with the stored face-picture of the user by a first method, and

when said degree to similarity is lower than said predetermined value, determining whether or not said user's face picture taken by the image pick-up unit is identical with the stored face picture of the user by a second method, the first method being different than the second method.

For similar reasons set forth above, none of the cited references teach or suggest these claim elements. Thus, for at least this reason, Applicant respectfully submits that claim 2 is patentable over the references as cited.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 29, 2008

Respectfully submitted,

By

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road


Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant


#52327